THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22486 of 2001

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in refusing to implement the University Grants Commission Pay Scales, 1986 to the petitioner and the Career Advance Scheme as per G.O.Ms.No.520 dated 15.12.1988 and fixing the basic pay taking into consideration the entry of the petitioner into selection grade in February 1986 as arbitrary, illegal and consequently direct the respondents to fix the basic salary of the petitioner as per Career Advancement Scheme and pay arrears of salary and revised pension benefits etc.

It is suffice to notice that the petitioner after serving as Lecturer in S.V. College of Music and Dance, Tirupati was retired on attaining the age of superannuation way back on 31.1.1996 and he filed the present writ petition in the year 2001. It is the contention of the petitioner that his pension was settled in the year 2001 and he came to know that his pension was not properly fixed, therefore, he waited till the final orders are passed and thereafter he filed this writ petition.

The complaint of the petitioner is that he is entitled for UGC scales in view of G.O.Ms.No.520 dated 15.12.1988. Since he is not given any option after 15.12.1988, as per para 6 and 7 of the said G.O. he is automatically entitled for UGC scales.

Whereas the learned counsel for the respondents submits that the S.V. College of Music and Dance is autonomous body and the pay scales applicable to the Teachers/Lecturers working in the Government Colleges were made applicable to this college and UGC scales were never made applicable to the said college. In fact, the petitioner with effect from 12.2.1970 was in the scales fixed by the State and he retired from service with effect from 31.1.1996 and he never raised any objection or made any

claim as to his entitlement for UGC scales. In fact, petitioner admitted that he had opted for the scales fixed by the State prior to issuance of G.O.Ms.No.520.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material made available on record.

The claim of the petitioner is speculative in nature. The petitioner having accepted the scales fixed by the State right from the date of his appointment as Lecturer in S.V. College of Music and Dance has claimed benefits under UGC scales of 1986 and also Career Advance Scheme as per G.O.Ms.No.520 dated 15.12.1988. The fact that the petitioner opted for pay scales prior to issuance of the said G.O. is not in dispute. Once this is so, there was no necessity for the petitioner to opt for the second time to come on to the UGC scales or the scales fixed by the State Government. It must be deemed that the petitioner was in the scales fixed by the State and in the said scales, the career advancement scheme is not available and only special grade promotions were available and the same were extended to the petitioner as per his eligibility.

In view of the above, nothing remains in the writ petition for adjudication. The writ petition is accordingly dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 12.4.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22486 of 2001

12.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.22486 of 2001

Date: 12th April, 2007

Between:

K.V.Raghavacharya

.. Petitioner

And

The Executive Officer,
Tirumala Tirupati Devasthanams,
Tirupati & another.

.. Respondents